

LSK&D #: 630-0211/4886-6098-8689
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CHRISTOPHER L. VANCE, B&L TRANSPORT, INC

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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DOREEN P. JAY, PATRICIA L. JAY and
MARCUS POEHLER,

Docket No.:

Plaintiff,

PETITION FOR REMOVAL

vs.

CHRISTOPHER L. VANCE, B&L TRANSPORT,
INC., JOHN DOES 1-10 (said names being
fictitious) and XYZ CORPORATIONS (said names
being fictitious),

Defendants.

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Defendants state as follows for their petition for removal:

1. On October 11, 2021, the above-captioned plaintiffs commenced a civil action for damages for personal injuries against the above-captioned defendants in the Superior Court of the State of New Jersey, Middlesex County, under docket number MID-L-5904-21. A copy of that complaint is annexed hereto as exhibit A. A copy of the defendants' answer to that complaint is annexed hereto as exhibit B.

2. This citizenship of the defendants were completely diverse at the time this action was commenced and at the filing of this notice of removal in that:

3. Plaintiffs are and were citizens of the State of New Jersey residing at 44 Patton Dr., Edison, NJ, 115 Truman Dr., Edison, NJ and 2316 US Highway 130 Dayton, New Jersey.

4. Defendant Christopher L. Vance is and was a citizen of the State of Ohio residing at 9192 Co Road 192 Fredericksburg, OH 44627. Defendant B & L Transport Inc. is headquartered at 3449 Route 39 Millersburg Ohio, 44654.

5. The action was not removable when it was filed as, consistent with the requirement of New Jersey's Court Rule 4:5-2, the complaint did not state the amount of damages to which plaintiff considers himself entitled.

6. That on February 3, 2022, the undersigned attorneys for the defendants received by email plaintiff Doreen Jays response to Defendants' demand for damages stating that the plaintiff claimed \$1,000,000 in damages. This was the first notice received by defendants showing a demand for damages in excess of \$75,000 exclusive of interest and costs. A copy of that response, sans exhibits, is annexed hereto as exhibit C. Subsequently on February 9, 2022, we received by email plaintiff Patricia Jay's response to Defendant's demand for damages stating that she claimed \$1,000,000 in damages. A copy of that response, sans exhibits, is annexed hereto as exhibit D.

7. The action thereupon became removable under 28 U.S.C. 1446 (b) (3) and (e), and section 1441 et seq. in that the citizenship of the relevant parties is completely diverse and the amount in controversy exceeds \$75,000 exclusive of interest and costs.

8. This notice of removal is timely because it is filed within thirty days of defense counsel's receipt of plaintiffs' demand for damages and less than one year has elapsed since the action was commenced, consistent with 28 U.S.C. 1446(c) (1).

9. Pursuant to 28 U.S.C. 1446 (a), a copy of all other processed pleadings and orders that have transpired in the State Court action are annexed hereto as exhibit E.

WHEREFORE, Petitioners, CHRISTOPHER L. VANCE, B&L TRANSPORT, INC., that this action now pending against him in New Jersey Superior Court, County of Middlesex, be removed from that venue to this Court.

LESTER SCHWAB KATZ & DWYER, LLP
Attorneys for Defendants
CHRISTOPHER L. VANCE, B&L TRANSPORT,
INC.,

s/Gerald J. Gunning
By: _____
Gerald J. Gunning